Remarks

Claims 1-8 are pending.

Claims 10-14 and 17-18 are withdrawn.

Claims 9 and 15-16 are cancelled.

Claim 1 is amended to claim the use of UDP ports where a media file has its segments transmitted to unique UDP ports at a client device. The support for this amendment is found in the specification on page 5, lines 15-23, and in other places.

I. Rejection to Claims 15 and 16 under 35 U.S.C. 101 and 102

The Examiner rejected Claims 15 and 16 under 35 U.S.C. 101 and 102 for various reasons. These claims are now cancelled; hereby these rejections are now moot.

II. Rejection to Claims 1-5 under 35 U.S.C. 103(a)

The Examiner rejected Claims 1-5 under 35 U.S.C. 103(a) as being unpatentable as being unpatentable over Duan et al (U.S. Patent 7,143,433, hereafter referred to as 'Duan') and in view of Jerding et al. (U.S. Patent 7,010,801, hereafter referred to as 'Jerding'). Applicants disagree with this ground of rejection.

As amended, Claim 1 claims the use of segmenting a video media file into two or more segments and transmitting each segment to unique UDP ports in parallel to a client device. This claimed transmission method is neither disclosed or suggested in the cited prior art. That is, the use of Jerding with Duan does not disclose the same use of UDP ports and in the present invention.

Jerding is a system that is a Video on Demand system that uses two different modalities to control the transmission of video on demand content. The control session which is used to transmit user information and other sort of high level types of data are controlled via the use of UDP session between a DHCT 16 (a set top box) and an application server 19 (at a head end), see Jerding, col. 13, lines 8-24. That is, this session indicates "high level" functions which allow a user log into a server,

transmit information about a movie rental, user configuration information, and the like.

The transmission of video information (such as the movie itself) is performed in a different manner, where the actual movie is transmitted using a traditional cable configuration as shown in FIG. 2, where an MPEG-2 transport stream is multiplexed into a QAM modulated signal which is transmitted over a modality such as fiber (see col. 5, lines 15-35). Specifically, this type of transmission system will designate a specific RF channel to be tuned to by a device such as DHCT 16, where the video program will be transmitted over the particular channel. This system then utilizes the UDP session to operate as a back channel to control the transmission of the video programming over the RF channel. Please note that, according to Jerding, video information is not transmitted over the UDP session, but only the control information which is used to control the video information transmitted over a RF channel.

That is, the combination of Duan and Jerding suggests that one can utilize a UDP session for transmitting control information for controlling the transmission of video information. The problem however with Duan and Jerding is that the combination of both references suggests different ways of transmitting a segment video file. Duan would suggest transmitting a segmented video file using an IP packet transmission system while Jerding discloses that video information (such as a movie) is transmitted over a selected RF channel. These two techniques of the prior art of transmitting video information are completely different than each other. In the best case, the file segmentation of Duan would be used to segment a media file, while the control information for transmitting the video file would be done via a UDP session using the principles of Jerding. Regardless, in the most favorable light, neither reference, alone or in combination, disclose or suggest, "transmitting said at least one segment using an assigned user datagram protocol port, wherein said at least two segments are sent to unique user datagram protocol ports at the same client device in parallel."

Hence, the Examiner has not established a prima facie rejection as the cited references (1) do not disclose or suggest the claimed elements of Claim 1 and (2) the video transmission techniques disclosed in both Jerding and Duan suggests a system (as disclosed above) which is different than the Applicants' invention, whereby the

modification of the disclosed references would only be done in hindsight of the Applicants' invention. Nor, is the technique of transmitting different segments of a video media file to different UDP ports, in parallel, to the same client disclosed in the cited prior art.

Applicants assert Claim 1, and Claims 2-5 are patentable for the reasons given above. Also, Claims 6-8 which were rejected under other reasons in the rejection are patentable; as such claims are dependent on allowable Claim 1.

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